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9 Attorneys for USACM Liquidating Trust

10 **UNITED STATES BANKRUPTCY COURT**  
11 **DISTRICT OF NEVADA**

12 In re:

13 **USA COMMERCIAL MORTGAGE  
14 COMPANY,**

15 Debtor.

16 Case No. BK-S-06-10725-LBR

17 Chapter 11

18 **NOTICE OF HEARING RE  
19 OMNIBUS OBJECTION OF USACM  
20 TRUST TO PROOFS OF CLAIM  
21 BASED UPON INVESTMENT IN  
22 THE MARLTON SQUARE  
23 (SECOND) DEVELOPERS LOAN**

24 Date of Hearing: September 30, 2011

25 Time of Hearing: 9:30 a.m.

26 Estimated Time For Hearing: 10 minutes

17 **THE USACM LIQUIDATING TRUST IS OBJECTING TO THE CLAIM  
18 THAT YOU FILED. THE USACM TRUST SEEKS TO DISALLOW YOUR  
19 CLAIM TO THE EXTENT IT IS BASED UPON AN INVESTMENT IN THE  
20 MARLTON SQUARE (SECOND) DEVELOPERS LOAN. THE USACM TRUST  
21 CONTENDS THAT YOU DO NOT HAVE A VALID CLAIM BASED UPON YOUR  
22 INVESTMENT IN THIS LOAN BECAUSE YOU TOOK A KNOWN AND  
23 OBVIOUS RISK IN MAKING THAT INVESTMENT AND USACM DID NOT  
24 GUARANTEE REPAYMENT OF THAT LOAN. THIS OBJECTION WILL NOT  
25 IMPACT YOUR CLAIM TO THE EXTENT IT IS BASED UPON AN  
26 INVESTMENT IN A DIFFERENT LOAN.**

1           **PLEASE DO NOT CONTACT THE CLERK OF THE BANKRUPTCY**  
2           **COURT TO DISCUSS THE MERITS OF YOUR CLAIM. QUESTIONS**  
3           **REGARDING THE AMOUNT OF A CLAIM OR THE FILING OF A CLAIM**  
4           **SHOULD BE DIRECTED TO BRANT FYLLING AT SIERRA GROUP**  
5           **CONSULTING, LLC (602-424-7009) OR TO UNDERSIGNED COUNSEL, JOHN**  
6           **HINDERAKER (520-629-4430).**

7           **NOTICE IS HEREBY GIVEN** that the USACM Liquidating Trust, by and  
8           through its counsel, has filed its Omnibus Objections to Proofs of Claim Based Upon  
9           Investment in the Marlton Square (Second) Developers Loan (with Certificate of Service)  
10           (the “Objection”). Your Proof of Claim number and other information regarding your  
11           claim is provided in **Exhibit A**, attached to the Objection. The USACM Liquidating Trust  
12           has requested that this Court enter an order, pursuant to section 502 of title 11 of the  
13           United States Code (the “Bankruptcy Code”) and Rule 3007 of the Federal Rules of  
14           Bankruptcy Procedure (the “Bankruptcy Rules”), disallowing your Proof of Claim to the  
15           extent it is based upon an investment in the Marlton Square (Second) Developers Loan.  
16           The Objection will not impact your Claim to the extent it is based upon an investment in a  
17           different loan.

18           **NOTICE IS FURTHER GIVEN** that the hearing on the Objection will be held  
19           before the Honorable Linda B. Riegle, U.S. Bankruptcy Court Judge in the Foley Federal  
20           Building, 300 Las Vegas Blvd. South, 3<sup>rd</sup> Floor, Courtroom No. 1, Las Vegas, Nevada on  
21           September 30, 2011, at the hour of 9:30 a.m.

22           **NOTICE IS FURTHER GIVEN THAT THE HEARING SET ON AUGUST**  
23           **30, 2011, WILL BE HELD FOR THE PURPOSE OF STATUS CHECKS AND**  
24           **SCHEDULING EVIDENTIARY HEARINGS ONLY. NO ARGUMENTS WILL BE**  
25           **HEARD ON THAT DATE.**

1           **NOTICE IS FURTHER GIVEN** that pursuant to Local Rule 9014(d), any  
2 response to the objection must be filed and service must be completed no later than  
3 **fourteen (14) days** preceding the hearing date. The opposition must set forth all relevant  
4 facts and any relevant legal authority.

5           If you object to the relief requested, you *must* file a **WRITTEN** response to this  
6 pleading with the Court. You *must* also serve your written response on the person who  
7 sent you this notice.

8           If you do not file a written response with the Court, or if you do not serve your  
9 written response on the person who sent you this notice, then:

- 10           • The Court may *refuse to allow you to speak* at the scheduled hearing; and  
11           • The Court may *rule against you* and sustain the objection without formally  
12           calling the matter at the hearing.

13           Dated: August 3, 2011.

14           LEWIS AND ROCA LLP

15           By s/ John Hinderaker (AZ 18024)  
16           Robert M. Charles, Jr., NV 6593  
17           John Hinderaker, AZ 18024 (*pro hac vice*)  
18           3993 Howard Hughes Parkway, Suite 600  
19           Las Vegas, Nevada 89169  
20           E-mail: JHinderaker@lrlaw.com  
21           Attorneys for the USACM Liquidating Trust

22           Copy of the foregoing deposited on  
23           August 3, 2011 in U.S. Mail, first class,  
24           postage prepaid, to all parties listed on  
25           Exhibit A attached to the objection.

26           LEWIS AND ROCA LLP

27           s/ Matt Burns  
28           Matt Burns, Paralegal